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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/581,725

06/28/2006

Mauro Gelli

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8558

6858 7590 10/01/2009
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EXAMINER

KIM, SANG K

ART UNIT

PAPER NUMBER

3654

MAIL DATE

DELIVERY MODE

10/01/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/581,725	Applicant(s) GELLI ET AL.	
	Examiner SANG KIM	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 67-128 is/are pending in the application.
- 4a) Of the above claim(s) 76-85, 88-109, 118-123 and 125-128 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 67-75, 86-87, 110-117 and 124 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/5/09</u> . | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

Applicant's election of Species I, (claims 67-75, 86-87, 110-117 and 124) in the reply filed on 6/26/09 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse.

Claims 76-85, 88-109, 118-123, and 125-128 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 6/26/09.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 67-71, 86-87 and 110-111 are rejected under 35 U.S.C. 102(b) as being anticipated by Perini et al., U.S. Patent No. 5979818.

Regarding claims 67-71 and 110-111, Perini '818 discloses a rewinding machine comprising a feed path for feeding web material N towards a winding system (see figures 1-13); an interruption member 154 to interrupt the web material at an end of winding of a log; a core feeder 67 to sequentially insert winding cores A into a channel 39 defined by a rolling surface (surface of 35) and a movable core feed member comprises a flexible member 150 with a plurality of belts running between at least two

Art Unit: 3654

rollers 15, 152 within a closed path and arranged to contact with the core along the channel; wherein said interruption member is associated with said feed member 150 and wherein said interruption member 154 is arranged on a side of said feed path opposite said rolling surface (surface of 35), see figures 1-13.

Regarding claims 86-87, Perini '818 discloses a second winding roller 17 which defines with said first winding roller 15 a nip 19 for passage of the web material, see figures 1-13.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 72-75, 112-117 and 124 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perini et al., U.S. Patent No. 5979818, in view of Biagiotti, U.S. Patent No. 5137225.

As stated above, Perini '818 shows the interruption member 154 with a surface for tearing the web material using the belts, see column 10, lines 14-21, and figure 13.

Biagiotti '225 shows a rewinding machine with a suction box 120 which the web N slides, see figure 9.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the interruption member of Perini '818 by using a suction

Art Unit: 3654

member as taught by Biagiotti '225, in order to ensure the web is controlled during the winding.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. For sake of prosecuting this case further, other multiple rejections can be found in U.S. Patent No. 6648266 b1 and US 2003/0789123 A1 which are similar to U.S. Patent No. 5979818; and see U.S. Patent No. 4327877, 6698681 b1, and 6695245 b1 for the concept of using the suction box.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SANG KIM whose telephone number is 571-272-6947. The examiner can normally be reached Monday through Thursday from 9:00 A.M. to 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Nguyen, can be reached on (571) 272-6952. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Application/Control Number: 10/581,725

Page 5

Art Unit: 3654

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SK

9/28/09

/SANG KIM/

Primary Examiner, Art Unit 3654